

Civ. No. 7:17-cv-00095-FL

ORDER

Attorney's fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), are paid from past-due benefits awarded to a successful claimant. Plaintiff's counsel filed a motion for attorney's fees seeking an award of \$29,251.63, representing 25 percent of Plaintiff's past-due benefits. The Commissioner filed a response, stating that under *Gisbrecht v. Barnhart*, 535 U.S. 789 (2002), it is the duty of the Court to determine a reasonable fee up to 25 percent of the past-due benefits. The Court previously awarded Plaintiff \$5,640.56 in attorney's fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412 (ECF Nos. 24 & 25).

It is ORDERED that Plaintiff's counsel be awarded attorney's fees under 42 U.S.C. § 406(b) in the amount of \$ 29,251.63 and refund to Plaintiff the smaller award between this amount and the EAJA amount.

This 22nd day of November, 2019.


LOUISE W. FLANAGAN
United States District Judge